

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

KENDALL R. SMITH,

Plaintiff-Appellant,

v.

WASHINGTON/BALTIMORE CELLULAR

No. 98-2318

LIMITED PARTNERSHIP, d/b/a Cellular

One, a/k/a Cellular One,

Incorporated; CELLULAR ONE,

INCORPORATED,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Maryland, at Baltimore.

Peter J. Messitte, District Judge.

(CA-97-367-PJM)

Submitted: May 28, 1999

Decided: June 23, 1999

Before MICHAEL and TRAXLER, Circuit Judges,
and BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Kendall R. Smith, Appellant Pro Se. Dominick M. Valencia, Jr.,
David James Shaffer, ARTER & HADDEN, Washington, D.C., for
Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Kendall R. Smith appeals a district court order granting Cellular One, Inc. (Employer) summary judgment on Smith's complaint alleging racial discrimination in violation of Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 (1994). Specifically, Smith appeals the district court's determination that he failed to establish a hostile working environment in light of various comments made by co-workers and that he failed to make out a prima facie case on his failure to promote claims.

After reviewing the record and the transcript of the hearing held by the district court on the relevant issues, we agree with the district court. Smith failed to present sufficient evidence that the alleged racial slurs made by co-workers were sufficiently pervasive or severe to create an abusive working environment under Title VII. See Harris v. Forklift Sys., Inc., 510 U.S. 17, 21 (1993). Furthermore, Smith's failure to promote claims fail because he did not present sufficient evidence that he was the better qualified candidate for the various positions. See Evans v. Technologies Applications & Serv. Co., 80 F.3d 954, 960 (4th Cir. 1996).

Accordingly, we affirm the district court order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and oral argument would not aid the decisional process.

AFFIRMED